

REMARKS

Claims 1 and 4-40 are pending in the current application. Claims 1, 13, 20, 27 and 34 are independent claims. In view of the present amendments and the following remarks, favorable reconsideration and withdrawal of the objections and rejections is respectfully requested.

Claim Objections

Claims 3, 4, 10-12, 14, 17-19, 21, 25, 26, 28, 31-33 and 35-40 stand objected to under 37 C.F.R. 1.75(c) for being in improper dependent form for failing to further limit the subject matter of the previous claim. Applicant respectfully traverses the claim objections.

With respect to claims 3, 4 and 10-12, the Examiner alleges that these claims fail to further limit product claim 1. Applicant respectfully submits that the “physical mark” is a characteristic of the recording medium of claim 1. Accordingly, by characterizing the physical mark and features of the physical mark, Applicant respectfully submits that claims 3 (now incorporated into independent claim 1) and 4 further define the recording medium.

With respect to claim 10, claim 10 has been revised by the present amendment such that claim 10 now also further limits the product claim 1. With respect to claims 11 and 12, Applicant respectfully submits that all acronyms are presently fully recited in the claims.

Further, Applicant respectfully submits that the remaining claims objected to by the Examiner have been corrected in a manner similar to the correction of claim 10 and/or claims 11 and 12. Accordingly, Applicant respectfully requests that the Examiner withdraw the claim objections.

35 U.S.C. § 102(b) – Timmermans

Claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 34, 35, 36, 37 and 38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Timmermans. Applicant respectfully traverses this art grounds of rejection.

Conventional copyright protection techniques of optical media typically include watermarking or otherwise embedding an indicator that the content provided therein is protected within a recording medium, such as an optical disc. Such a watermark is typically written when the optical disc (e.g., a DVD) is written. Accordingly, the optical disc recorder is responsible for providing the copyright protection.

The inventors of the subject applications have taught a novel process which determines whether to protect recorded information (e.g., from unauthorized duplication or copying) based on a type of the recording medium. For example, as discussed in the specification, if an optical disc includes a physical mark identifying itself as a read-only memory (ROM) type disc, the disc may not be authorized for copying. Accordingly, it will be appreciated that such identifying information may be embedded within the optical disc at a higher level. In other words, it is not necessary for each author of the optical disc which provides specific content to also provide the copyright protection. Thus, when the optical disc itself is manufactured, it is possible to provide the necessary copyright protection.

The independent claims have been amended so as to recite “the physical mark information recorded in an area not writable by any user recorders, the physical mark information identifying a type of the recording medium”. Accordingly, it will be appreciated that, because the physical mark information is “recorded in an area not writable by any user recorders”, the physical mark information may not be altered or changed, because another optical disc to which an original optical disc is copied may include different physical mark

information identifying a different recording medium storage type (e.g., a DVD-RW or BD-R instead of a DVD-ROM or BD-ROM).

Turning to the Timmermans patent, Timmermans is directed to a system and apparatus for recovering information from a record carrier which exhibits variations of two different physical parameters thereof. Timmermans is generally directed to a complex form of ensuring that radial wobbles between original discs and copied discs are not aligned. Timmermans states that

In order to prevent a radial wobble copied from a Compact disc with a modulate radial wobble, it is preferred that the radial wobble on the compact Disc to be copied have a frequency which substantially corresponds with the frequency of the radial wobble of the pregroove on the recordable Compact Disc. In that case, the frequency spectra of both wobbles overlap and the wobbles cannot be distinguished from one another, any more.

(column 7, lines 36-43)

As can be seen from the above cited section, Timmermans clearly does not disclose or suggest including “physical mark information identifying a type of a recording medium” as recited in independent claims 1, 13, 20 and 27, nor is there any discussion in Timmermans related to recording the radial wobbles “in an area not writeable by end-user receivers” as recited in independent claims 1, 13, 20 and 27. As such, claims 2, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 24, 28, 29, 30, 31, 35, 36, 37 and 38, dependent upon independent claims 1, 13, 20, 27 and 34, respectively, are likewise allowable over Timmermans at least for the reasons given above with respect to independent claims 1, 13, 20, 27 and 34.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 102(b) – Ozaki

Claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 34, 35, 36, 37 and 38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ozaki. Applicant respectfully traverses this art grounds of rejection.

Ozaki is directed to an optical disc device for checking optical discs and a device for recording information on an optical disc. In the Field of the Invention section of Ozaki, Ozaki states “this invention relates to a device for checking an optical disc to determine whether or not the optical disc contains illegal copy information” (column 1, lines 13-14). Ozaki discloses first through fifth embodiments, with each of the first through fifth embodiments including optical disc, reproduction device and recording device sections. Ozaki teaches writing a “normal” pit train and an “unusual” pit train within optical media, but Ozaki is silent regarding writing such information in either (i) an area not writeable by end-user recorders or (ii) storing recording medium identification information within either of the pit trains.

Accordingly, Applicant respectfully submits that Ozaki fails to disclose or suggest either “the physical mark information recorded in an area not writable by end-user recorders” and/or “the physical mark information identifying a type of recording medium” as recited in independent claims 1, 13, 20, 27 and 34. As such, claims 2, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 24, 28, 29, 30, 31, 35, 36, 37 and 38, dependent upon independent claims 1, 13, 20, 27 and 34, respectively, are likewise allowable over Ozaki at least for the reasons given above with respect to independent claims 1, 13, 20, 27 and 34.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 103 – Timmermans in view of Kuroda or Muramatsu
and Ozaki in view of Kuroda or Muramatsu

Claims 3, 11-12, 18, 19, 25, 26, 32, 33, 39 and 40 stand rejected under 35 U.S.C. § 103 as being obvious in view of Timmermans in view of Kuroda, Timmermans in view of Muramatsu, Ozaki in view of Kuroda and Ozaki in view of Muramatsu. Applicant respectfully traverses these art grounds of rejection.

Kuroda is directed to a recording and reproducing system, recording apparatus and reproducing apparatus having copy protection function. The copyright protection function of Kuroda is provided via a watermark. However, while the watermark of Kuroda indicates whether or not a particular disc can be copied, the watermark of Kuroda does **not** indicate a **type** of the disc. Thus, Kurodo cannot be said to include “physical mark information identifying a type of recording medium” as recited in independent claims 1, 13, 20, 27 and 34. Further, it is apparent from a review of Kuroda that the watermark is embedded during a DVD authoring process. Accordingly, it cannot be said that the watermark is “recorded in an area not writable by end-user recorders” as recited in independent claims 1, 13, 20, 27 and 34.

Muramatsu is directed to an information record medium with a record/reproduction area and a reproduction dedicated area. Muramatsu is related to reproduction or copying control for DVDs. In particular, the Examiner cites to column 1, lines 14-68 of Muramatsu. In this section, Muramatsu discusses that a portion of a DVD-RW may be disabled from information writing. This portion corresponds to a reproduction control section of the DVD. Accordingly, the reproduction control section from the original DVD may not be transferred to a DVD-RW, and as such, copying of the DVD cannot be performed. In contrast, the independent claims recite “the physical mark information identifying a type of a recording medium”. Nothing in the above-cited section of Muramatsu suggests that the reproduction control information stored at the original DVD indicates a type of the recording device.

Rather, the reproduction control information simply indicates whether copying is allowed, and the DVD-RW cannot achieve this authorization because its corresponding reproduction control section is disabled.

Accordingly, in view of the above remarks, Applicant respectfully submits any combination of Ozaki, Timmermans, Kuroda and Muramatsu fails to disclose or suggest “the physical mark information identifying a type of a recording medium” as recited in independent claims 1, 13, 20, 27 and 34.

As such, claims 3, 11-12, 18, 19, 25, 26, 32, 33, 39 and 40, dependent upon independent claims 1, 13, 20, 27 and 34, respectively, are likewise allowable over any combination of Timmermans, Ozaki, Kuroda and/or Muramatsu at least for the reasons given above with respect to independent claims 1, 13, 20, 27 and 34.

Applicant respectfully requests that the Examiner withdraw these art grounds or rejection.

Reconsideration and issuance of the present application is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1 and 3-40 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

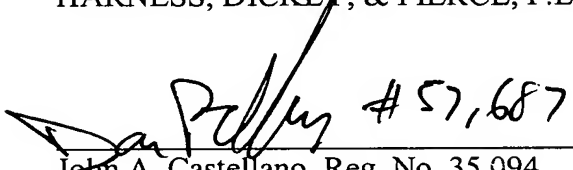
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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